

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE LITIGATION)	Master File No. 01-12257-PBS
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, <i>et al.</i>)	
CASE #: 1:03-cv-11226-PBS)	

STATE OF CALIFORNIA'S AND RELATOR'S STATUS REPORT JULY 1, 2005

The undersigned counsel, on behalf of plaintiffs STATE OF CALIFORNIA (“CALIFORNIA”) and Relator, VEN-A-CARE OF THE FLORIDA KEYS, INC. (“VEN-A-CARE” or “RELATOR”), hereby submit the attached Status Report to the Court in accordance with the Court’s June 17, 2004 Procedural Order.

Respectfully submitted,

BILL LOCKYER
Attorney General for the State of California

Dated: July 1, 2005

By: Brian V. Frankel
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Dated: July 1, 2005

By: /s/ James J. Breen

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MDL 1456 Status Report

State of California, *ex rel.* Ven-A-Care v. Abbott Laboratories, et al.

Case No.: 1:03-cv-11226-PBS

Complaint-in-Intervention:

Plaintiffs are about to file an amended Complaint-in-Intervention, pursuant to the Federal Rules of Civil Procedure, which will supersede the original Complaint-in-Intervention filed against defendants ABBOTT LABORATORIES, INC., WYETH INC., and WYETH PHARMACEUTICALS, INC. in California State Court on January 7, 2003. Plaintiffs are now finalizing the amended Complaint-in-Intervention, and are preparing it to be filed this month (July).

Anticipated Filings:

The Attorney General of California will file additional motions, under seal, as are necessary to fully and effectively prosecute this case under the California False Claims Act (Cal. Gov't. Code §§ 12650, *et seq.*). In addition, plaintiffs will request a Status Conference and the entry of a Case Management Order by a motion to be filed shortly after the filing of the amended Complaint-in-Intervention.

CERTIFICATE OF SERVICE

I, Brian V. Frankel, hereby certify that on July 1, 2005, I caused a true and correct copy of the foregoing, **STATE OF CALIFORNIA'S AND RELATOR'S STATUS REPORT JULY 1, 2005**, to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to Verilaw Technologies (or LexisNexis File & Serve, Verilaw's successor) for posting and notification to all parties.

Dated: July 1, 2005

Brian V. Frankel

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